

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

12 **KEVIN ANDREW ABEE**

13 **Registered Nurse License Applicant**

14 Respondent.

Case No. 2013-346
15 **STATEMENT OF ISSUES**

16 Complainant alleges:

17 **PARTIES**

18
19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
20 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Application Information**

23 2. On or about December 31, 2010, the Board received an Application for Licensure by
24 Endorsement from Kevin Andrew Abee ("Respondent"). On or about December 27, 2010, Kevin
25 Andrew Abee certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on November 7, 2011.

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section, in
5 which event the record of the conviction is conclusive evidence thereof.

6 **DRUGS**

7 7. Marijuana is a Schedule I controlled substance as designated by Health and Safety
8 Code section 11054(d)(13) and a dangerous drug as designated by Business and Professions Code
9 section 4022.

10 8. Percodan is the trade name for the combined generic substance Oxycodone
11 Hydrochloride and is a Schedule II controlled substance as designated by Health and Safety Code
12 section 11055(b)(1)(M) and a dangerous drug as designated by Business and Professions Code
13 section 4022.

14 **FIRST CAUSE FOR DENIAL OF APPLICATION**

15 **(Criminal Conviction)**

16 9. Respondent's application is subject to denial pursuant to Code sections 2736, 480,
17 subdivision (a)(1), and 2761, subdivision (f), in that Respondent has been convicted of the
18 following crime that is substantially related to the qualifications, functions, or duties of a
19 registered nurse:

20 10. On or about August 18, 2004, in the Superior Court, County of Orange, California, in
21 the matter entitled *People vs. Kevin Andrew Abee*, 2004, Case No. 04SM02681 M A, Respondent
22 was convicted by the court following his plea of guilty to a violation of Vehicle Code section
23 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor. The
24 circumstances of the crime are that on or about April 1, 2004, Respondent was arrested for
25 driving under the influence of alcohol following a traffic collision. Respondent's blood alcohol
26 measured .15% and .17%.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Kevin Andrew Abee for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED: October 29, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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